

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES A. CRAMER,
Plaintiff,

v.

C. DUCART, et al.,
Defendants.

Case No. [15-cv-04476-VC](#) (PR)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

Dkt. No. 9

James A. Cramer moves for the appointment of counsel so that his “interests may be protected by the professional assistance required.”

“[I]t is well-established that there is generally no constitutional right to counsel in civil cases.” *United States v. Sardone*, 94 F.3d 1233, 1236 (9th Cir. 1996). Nonetheless, under 28 U.S.C. § 1915(e)(1), the Court has the discretion to appoint counsel to “any person unable to afford counsel.” The discretionary appointment of counsel typically is reserved for cases involving “exceptional circumstances.” *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991). “A finding of exceptional circumstances requires an evaluation of both ‘the likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.’ Neither of these factors is dispositive and both must be viewed together before reaching a decision.” *Id.*

Here, exceptional circumstances requiring the appointment of counsel are not evident. If, in the future, the Court concludes it is necessary to appoint counsel to represent Cramer, it shall do so *sua sponte*. The request for appointment of counsel is denied.

This Order terminates Docket No. 9.

IT IS SO ORDERED.

Dated: April 21, 2016



VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE